

PUBLIC CHAPTER NO. 1054**HOUSE BILL NO. 3268****By Representative Maddox****Substituted for: Senate Bill No. 2798****By Senators Woodson, Ketron**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, relative to administration of anti-seizure medications in school settings in emergency situations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following language as a new subsection (g):

(g)

(1) In addition to the assistance with self-administration of medications provided for in subsection (a), public and non-public school personnel who volunteer under no duress or pressure and who have been properly trained by a registered nurse employed or contracted by the LEA or governing board for a non-public school may administer anti-seizure medications, including diazepam gel, to a student in an emergency situation based on that student's IHP. However, if a school nurse is available, on site, and able to reach the student within the time limit for administration specified in the IHP, then the nurse shall provide this service to the student. All public schools are subject to all requirements in this subsection (g). Non-public schools whose governing boards choose to allow volunteer administration of anti-seizure medications are subject to all requirements of this subsection (g) except those in subdivisions (g)(2) and (g)(7).

(2) A nurse employed or contracted by the LEA shall be responsible for updating and maintaining each IHP.

(3) The department of health and the department of education shall jointly amend current "Guidelines for Use of Health Care Professionals and Health Procedures in a School Setting" to reflect the appropriate procedures for use by registered nurses in training volunteer school personnel to administer anti-seizure medications, including diazepam gel, to a student in an emergency situation. The board of nursing and the Epilepsy Foundations of Tennessee shall be afforded the opportunity to

review and comment on the guidelines before they take effect and any training begins. The guidelines developed shall be used uniformly by all LEAs and the governing boards of non-public schools that choose to allow volunteer school personnel to administer anti-seizure medications. In addition, the guidelines shall require at least one (1) school employee to serve as a witness on any occasion a volunteer administers anti-seizure medication during an emergency situation, unless a witness is not available within the time limit for administration specified in the IHP.

(4) Once a public or private school has determined to allow volunteer staff to administer anti-seizure medication in an emergency situation, the training referenced in subdivision (g)(3) shall be conducted as soon as possible, and shall be repeated annually thereafter. In addition, competencies to administer anti-seizure medications shall be documented in the personnel file of all volunteer school personnel. All volunteers trained to administer anti-seizure medications shall also be trained in cardiopulmonary resuscitation (CPR).

(5) Upon the decision of a trained volunteer to administer diazepam gel, school officials shall immediately summon local emergency medical services to the school to provide necessary monitoring or transport to safeguard the health and condition of the student.

(6) Trained volunteer school personnel administering anti-seizure medications under this subsection, any registered nurse who provides training to administer such medications and any local board of education or governing board for a non-public school authorizing the same shall not be liable in any court of law for injury resulting from the reasonable and prudent assistance in the administration of such medications, if performed pursuant to the policies and guidelines developed by the departments of health and education and approved by applicable regulatory or governing boards or agencies.

(7) An LEA shall not assign a student with epilepsy or other seizure disorder to a school other than the school for which the student is zoned or would otherwise regularly attend because the student has a seizure disorder.

(8) Prior to administration of an anti-seizure medication to a student by volunteer school personnel or a school nurse in an emergency situation, the student's parent or guardian shall provide:

(A) The school with a written authorization to administer the medication at school;

(B) A written statement from the student's health care practitioner, which statement shall contain the student's name, the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered; and

(C) Prior to its date of expiration, the prescribed medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy.

(9) The written authorization required by subdivision (g)(8)(A) above shall be kept on file in the office of the school nurse or school administrator. Unless subsequently rescinded in writing, such authorization shall be effective for the entirety of the school year in which it is granted.

(10) The school nurse or school administrator shall check monthly the expiration date for each anti-seizure medication in possession of the school monthly. At least one (1) month prior to the expiration date of each medication, the school nurse or administrator shall inform the student's parent or guardian of the expiration date.

(11) A student's parent or guardian, who has given the student's school written authorization to administer anti-seizure medication, shall, in accordance with the student's IHP, notify the school administrator or school nurse if anti-seizure medication or prescription or over-the-counter medicines are administered to the student at a time at which the student is not present at school. The student's IHP shall set forth with specificity the requirements of reporting administration of medication and for the dissemination of such information to volunteer school personnel trained to administer anti-seizure medication. Such notification shall be given after administration of medication before or at the beginning of the next school day in which the student is in attendance.

SECTION 2. The department of health and the department of education shall report jointly to the education committees of the senate and the house of representatives by September 1, 2010, on the administration of anti-seizure medication by volunteer school personnel pursuant to this act in the two (2) years subsequent to the effective date of this act. The departments shall also report on the status of the school nurse program.

SECTION 3. This act shall take effect upon July 1, 2008, the public welfare requiring it.

PASSED: May 13, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 28th day of May 2008



PHIL BREDESEN, GOVERNOR